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Promotion and Tenure Standards

Initial Appointments.
Ordinarily, persons with fewer than three years of tenure-track law school teaching experience shall be hired at the rank of assistant professor. A faculty member shall be promoted to associate professor (without tenure) after completing at least three years of teaching and demonstrating significant progress toward meeting the general tenure standards. Promotion to full professor is accompanied by receipt of tenure. Persons hired with three or more years of tenure-track law school teaching experience will ordinarily be hired at the rank of associate professor. The Dean shall have the discretion, in consultation with the Personnel Advisory Committee, to make appointments at either the assistant or associate professor rank, as warranted by the circumstances. Appointment at the rank of full professor requires tenure evaluation in accordance with Law School and University policies.

Initial Appointment as Dean
The Dean of the Law School shall hold the rank of professor of law with tenure except in extraordinary circumstances. A Dean may be appointed as professor of law with tenure upon recommendation of a majority of the Personnel Advisory Committee based upon the individual’s substantial professional experience, teaching experience, and public service.
Period of Tenure
The length of the probationary period will be established at the time of the initial appointment by agreement between the Dean and the faculty member as set out in the faculty member’s offer letter. If the offer letter does not specify the date that the probationary period begins, then a faculty member’s probationary period will begin when the faculty member begins residence at the University. The probationary period agreed upon in a faculty member’s offer letter will be viewed as the tenure track period. The maximum probationary period before tenure is seven years (with consideration for tenure during the sixth year). Any leaves or adjustments to the probationary period must be approved by the Dean and the Provost in accordance with the By-Laws of the University. Ordinarily, any leave awarded for the purpose of pursuing scholarly research shall be included in the probationary period toward tenure whereas a leave of at least one semester granted for personal or other reasons will ordinarily not be included in the probationary period. During the probationary period before tenure, a faculty member must apply for reappointment each year. Faculty members who wish to be considered for promotion to full professorship with tenure before the end of the probationary period will be evaluated by the same standards applied to faculty members who have taken the full probationary period.

General Tenure Standards
Promotion to full professor with tenure will be granted only to faculty members of outstanding achievement whose skills as scholars and teachers are consistent with standards at peer schools. Specific evidence of superior performance in scholarship and in teaching is of primary importance. In addition, other service to the University and the community will be considered, including, in individual cases, meritorious professional service through which the candidate has achieved distinction in the profession.

The evaluation of candidates for promotion and tenure should give careful consideration both to current performance and to future promise. To ensure impartiality, the policies must be based on merit, determined on the broadest possible basis. Evaluation of candidates is not intended to impose a rigid set of standards. Evaluation should not be based on fixed numerical weighting, though greater emphasis should be placed on scholarship, teaching ability, and activity in research than on other characteristics.
Evaluation for Tenure
At promotion to tenure, there should be evidence that the candidate is regarded by colleagues within and outside the law school as a capable, mature teacher and a strong scholar. Candidates for promotion and tenure are expected to show superior attainment in the following areas:

1) Scholarship
The Law School expects that a candidate will produce an amount of scholarship that suggests ongoing engagement with the scholarly community and enduring commitment to scholarly production. Undue emphasis should not be placed upon mere volume of publication; however, the law school expects tenure candidates to meet or exceed the standards at peer schools in terms of volume and quality of publications.

While a candidate’s scholarship may take the form of law review articles, articles in peer-reviewed journals, books or chapters in a book, it can also consist of essays, book reviews, monographs, published lectures, and other types of publications. The Law School recognizes that law professors often produce material for multiple audiences—including scholars, judges, lawmakers, and advocates—and that scholarship therefore takes many forms.

In considering whether the work is of sufficient quality to merit tenure, the candidate’s entire body of work included in the tenure file shall be considered; work completed since appointment must demonstrate a continuing trajectory of high quality scholarship. To merit promotion to full professorship and tenure, the work must be of high quality, demonstrating the intelligence, care, and perception one would expect of a person on the way to becoming a leading scholar. The work as a whole must make a significant contribution to legal scholarship.

Collaboration can benefit scholars and scholarship. Accordingly, co-authored work is encouraged and will count in measuring both the quantity and quality of the scholarship. When a candidate’s file includes co-authored scholarship, it will be important to determine and document the extent of the candidate’s contribution to the scholarship. The law school recognizes that interdisciplinary and empirical scholarship is often co-authored, and values that work.
2) Teaching
Every candidate must have demonstrated strong teaching ability. The Law School recognizes that excellent teaching can take many different forms. The best teachers possess depth and breadth of understanding of the subject matter, express themselves clearly, and convey enthusiasm for the topic to students. Teaching ability and performance are marked by a candidate’s capacity to excite interest and evoke response in students, to broaden their outlook, to impart knowledge, to encourage critical reflection, to stimulate a sense of inquiry, and to foster the development of legal skills. Teaching evaluations shall be taken into consideration during promotion and tenure decisions. The Law School recognizes, however, that the educational role of the candidate is not confined to the classroom. It should include willing and skillful attention to the individual student who can profit from additional help in the mastery of a course and also include individualized instruction in supervised research projects. Also important is a candidate’s role as academic advisor, encouraging students to gain as much as possible from the educational resources of the Law School and the University and to engage in opportunities for experiential learning.

3) University and Community Service
The Law School recognizes the value of a candidate’s participation in Law School administration, the administration of the University, and activities of the legal profession, academic professional organizations, and federal, state and local government. The Law School also values activities of a legal character that serve the general citizenry. These contributions will be considered in promotion and tenure decisions. In individual cases where there has been meritorious professional service through which the faculty member has achieved distinction in the profession, such service may also be considered. All faculty, including untenured faculty members, are expected to participate actively in committee work and other activity relating to the administration of the Law School, and the failure of a candidate to bear his or her fair share of that responsibility may count against the candidate in the tenure decision.
Promotion and Tenure Standards – effective May 9, 2014

Procedures for Reappointment, Promotion, and Tenure

Personnel Advisory Committee and PAC Working Committee

Personnel Advisory Committee (“PAC”)
All recommendations to the Dean with respect to reappointment, promotion, and tenure of members of the full-time faculty shall be made by the Personnel Advisory Committee (“PAC”), which shall consist of all members of the tenured faculty permitted to participate by University regulations.

It is the duty of the PAC to advise the Dean on reappointment, promotion and tenure. This process requires thoroughness, fairness, and rigor. A fair assessment recognizes candidates’ strengths and weaknesses. It is essential that members of the PAC uphold high standards of responsibility and ethical behavior, including maintaining the confidentiality of the proceedings.

PAC Meetings
Meetings of the PAC may be called by the Dean, the Secretary to the Faculty, or by any three members of the PAC. The meetings are chaired by the Secretary to the Faculty, or in his or her absence, by the Secretary’s designee. The Associate Dean for Academic Affairs serves as the Secretary of the meeting.

PAC Working Committee (“Working Committee”)
The PAC shall be assisted by a Working Committee, consisting of five members of the PAC elected at the end of the fall semester by members of the PAC by secret ballot to staggered two-year terms. The Associate Dean for Academic Affairs and the Associate Dean for Research and Faculty Development shall be ex-officio members of the Working Committee. The chair of the Working Committee is elected by the Committee. A faculty member who has served a two-year term on the Working Committee is not eligible to serve again until after a full calendar year has passed.

The Working Committee shall be elected as follows: Each member of the PAC shall vote for as many eligible candidates as there are vacancies to be filled in that election, and no ballot shall be counted that does not designate this number of candidates. Ballots after the first ballot shall contain twice as many candidates as the open positions (plus ties).
Those members receiving a majority of votes cast on any round will be elected. If vacancies remain at the end of the second round, they shall be filled by those members receiving the highest number of votes on the second round. Any ties in the second round shall be broken by lot. Members elected in the same round shall be assigned two-year terms according to the number of votes cast in their favor, with ties broken by lot.

All PAC members who will be members of the faculty in the academic year for which the election is conducted are eligible to vote for members of the Working Committee, whether they are on leave or not at the time of the election. The Faculty Secretary shall conduct the election and may establish reasonable deadlines for voting.

**PAC Working Committee Duties**

The Working Committee shall compile a file containing the factual record (described below) for each candidate for reappointment, promotion, or tenure. The Working Committee shall also prepare a written recommendation for PAC action concerning each candidate for reappointment, promotion, or tenure. A recommendation other than positive shall be deemed preliminary. The Working Committee shall prepare a memorandum of the reasons for any preliminary recommendation of the PAC, as provided below, and shall draft a report in support of final recommendations of the PAC, as provided below. The tenure files shall be kept in the Dean’s Office and be available for inspection by the candidate and the PAC.

The Working Committee shall select reviewers for the candidate’s scholarship after consultation with the candidate. A minimum of five external letters of review shall be included in the candidate’s file prior to a final recommendation on tenure by the PAC. At least two of the external evaluators shall be asked to provide reviews of multiple scholarly works in a candidate’s file.

Lists of potential external reviewers of scholarly writing should be developed separately by the Working Committee and the candidate. The Working Committee should request at least half of the total number of external letters from names on the candidate’s list of potential reviewers. No internal or external reviewer of a candidate’s scholarship or teaching shall be chosen over the express disapproval of the candidate. A list of persons solicited to be reviewers and their responses shall be included in the
file. The PTR file shall indicate which letters are from reviewers suggested by the candidate and which are from individuals suggested by the PAC Working Committee.

Reference letters should be obtained from tenured faculty, or scholars of equivalent stature, in the candidate’s field outside of the University who can evaluate his or her professional contribution to scholarship and, when relevant, other accomplishments. It is important to solicit an impartial evaluation of a candidate’s contribution to the field. These evaluation letters should not be from close acquaintances, former mentors, or frequent collaborators.

Letters requesting external reviewers’ evaluations of a candidate’s work shall be sent by the Associate Dean for Research and Faculty Development. The Associate Dean should provide the following to external reviewers: 1) the candidate’s complete curriculum vita; 2) information about the nature of the candidate’s appointment that could be relevant in evaluating his or her scholarly achievements (e.g., joint appointments, administrative appointments and directorships); 3) copies of the candidate’s selected publications; and 4) an explicit statement of what the faculty member is being considered for and whether or not the decision is mandatory with respect to tenure. Each letter must include the following explicit statement:

Your letter will become part of a faculty member’s Promotion, Tenure, and Reappointment (PTR) file, which will be viewed by faculty and University administrators involved in the PTR process. In addition, under State of Connecticut Freedom of Information statutes governing state employees, the faculty member may request access to his or her PTR file and may see the letters of reference.

The letter should also state that “University and Law School tenure policies provide that, to merit promotion to full professorship and tenure, the work must be of high quality, demonstrating the intelligence, care and perception one would expect of a person on the way to becoming a leading scholar.” In addition, each letter should ask the external reviewer to provide: 1) a description of his or her relationship to the faculty member (if any); and 2) an assessment of the quality and impact of the faculty member’s scholarship and/or creative accomplishments, and, if appropriate, professional service.

Additional Responsibilities of the Working Committee
Members of the Working Committee shall serve as advisors (“tenure shepherds”) to candidates during the tenure process and will help candidates identify faculty members
who can serve as informal mentors. It is preferable that members of the Working Committee do not also serve as shepherds for any candidate for whom they are also serving as mentors.

Annual Review of Tenure-Track Candidates

Candidates’ Submission of Materials and PAC Working Committee Review of Factual Record

Each year, a candidate will submit the University’s Promotion, Tenure and Review form, an updated curriculum vitae, scholarly publications and writings, and any other supporting materials by the due date set by the Provost. The Law School anticipates that a candidate’s tenure review file will be complete by September 1 of the tenure review year. The factual record shall consist of the following: the text of the University’s standards for promotion, tenure or reappointment, as the case may be, together with pertinent recommendations of the PAC; the candidate’s University PTR form; the candidate’s scholarly publications and writings; all written reviews of the candidate’s scholarship solicited by the Working Committee; a copy of the template letter sent to all reviewers, a list of all individuals from whom a letter was formally requested; all written reports of persons selected by the Working Committee to visit the candidate’s courses and seminars; student course evaluations; and all other relevant documentation received by the Working Committee, including written comments submitted by students and colleagues. All comments, except anonymous comments, shall be made part of the candidate’s file.

Supplemental information can be added to the file by the candidate at any time. Such information must be dated. No materials may be removed from a candidate’s file.

At least once each academic year, the Dean shall discuss with each member of the faculty still in the probationary period the Dean’s appraisal of his or her performance, progress, and potential.

The candidate may request withdrawal from consideration for reappointment, promotion or tenure in writing at any stage in the process.
PAC Consultative Meeting
At least two weeks prior to the submission of the written recommendation, the Working Committee will convene a consultative meeting of the PAC to solicit members’ comments concerning candidates eligible for reappointment, promotion and tenure.

Working Committee Recommendations Regarding Reappointment, Promotion and Tenure
Members of the PAC Working Committee make a recommendation on a candidate’s promotion, tenure, and reappointment to the PAC. The Working Committee shall present the file, including the full factual record and the Committee’s written recommendation, to the PAC by the first weekday in November of the year in which the candidate is considered for reappointment, promotion or tenure, except for those candidates who are in their first year of full-time teaching at the law school. The recommendation of the Working Committee must be supported by a majority of the Working Committee members. The Committee’s recommendation shall be accompanied by a report supporting that recommendation. This report shall include information regarding the candidate’s scholarship, teaching, and University and community service. Members of the Working Committee who do not support the Committee’s recommendation may submit a minority recommendation and report to the Personnel Advisory Committee.

The recommendation of the Working Committee is strictly advisory. The final decision regarding recommendations to the Dean concerning candidates is the sole responsibility of the PAC.

PAC Recommendations Regarding Reappointment, Promotion and Tenure
The Personnel Advisory Committee, upon receipt of the candidate’s file, including the factual record, recommendation and report submitted by the Working Committee, shall have one week in which to review it, and shall meet as soon thereafter as practicable (but within one additional week) to make its recommendation to the Dean concerning a candidate.

A quorum of two-thirds of the eligible PAC members is required for a vote on reappointment, promotion, and tenure. A member of the PAC may vote only if he or she is physically present at the time of the vote. The vote shall be secret. The Faculty Secretary shall record the number of yes votes, no votes, abstentions, and absences.
If a majority of the PAC members present vote to grant tenure, that vote constitutes a faculty decision to recommend to the Dean that the candidate be granted tenure. A positive recommendation is final. The Working Committee’s report will be adopted as the report of the PAC, although members of the PAC may move to amend the report at the meeting.

A negative recommendation shall be deemed preliminary. Additional measures, described below, must be taken by the PAC, the Dean, and the candidate when there is a preliminary decision.

**Additional Measures in the Case of a Preliminary Recommendation**

Within three days from the date of a preliminary recommendation by the PAC, a candidate shall be informed of the recommendation. Reasons for a preliminary negative recommendation shall be in writing, and a copy of this document shall also be circulated to the PAC. Any member of the PAC (including members of the Working Committee) may provide the candidate with a written supplement to the Working Committee memorandum. The memorandum and individual supplements shall be added to the factual record at the same time they are given to the candidate.

A candidate who wishes to respond in writing to a preliminary negative recommendation shall do so within ten calendar days following the date of the recommendation. A candidate who wishes to appear personally before the PAC to respond to a preliminary negative recommendation shall have the right to do so, after giving notice to the Dean within ten calendar days following the date of the recommendation. The Dean shall call a meeting of the PAC for the earliest practicable time (but not later than one week) following receipt of such notice.

The PAC may not vote upon a final recommendation concerning a candidate at a meeting called to hear that candidate’s response to a preliminary negative recommendation. This meeting will be treated as a hearing and discussion.

A candidate who, having appeared personally before the PAC to respond to a preliminary negative recommendation, wishes to respond further in writing must do so prior to the PAC’s consideration of a final recommendation.

At a meeting called by the Dean, the PAC shall make a final recommendation concerning a candidate who is the subject of a preliminary negative recommendation.
The Dean shall call the meeting on at least three days’ notice, as soon as practicable (but not more than one week) after the occurrence of one of the following:

a) the distribution to the PAC of the written response of a candidate who does not wish to respond personally to a preliminary recommendation;
b) a meeting of the PAC called to hear the candidate’s response to a preliminary recommendation;
c) the lapse of the ten-day period following a preliminary recommendation without notice to the Dean from the candidate requesting a personal appearance before the PAC; or
d) receipt by the Dean of a written notice from the candidate that no response to a preliminary recommendation will be made.

Any materials added to the candidate’s file will be made available to the PAC members at the time that notice of the meeting is given. The procedures for the vote shall be the same as those for an initial vote for tenure.

In a case where a preliminary recommendation prompts a subsequent PAC meeting to vote on a final recommendation, the Working Committee shall—within five days after either a positive or negative recommendation—distribute to the PAC a draft report documenting the final recommendation.

The Working Committee’s draft report documenting the PAC’s final recommendation shall be deemed to have been adopted by the PAC unless within forty-eight hours from the time the draft is distributed five members of the PAC notify the Dean of their desire to have the draft considered by the full PAC. In such a case, the Dean shall call a meeting of the PAC for the earliest practicable date (but not more than one week) following receipt of such notice. A quorum of two-thirds of the eligible PAC members is required for a vote to adopt or reject the final report. A member of the PAC may vote only if he or she is physically present at the time of the vote. The vote shall be secret. The Faculty Secretary shall record the number of votes to adopt, votes to reject and, abstentions. If adopted, the draft report shall be the PAC’s final report. If the draft report is rejected by the PAC, then the Working Committee shall submit a further draft with 72 hours. It shall be deemed adopted upon its distribution.
The PAC’s final report on a candidate must strive to provide a fair assessment of the strengths and weaknesses of the candidate. It must indicate, with reasons, the basis for the PAC recommendation.

Within five days of the PAC’s adoption of a report, members of the PAC may submit written statements of their individual views to the Dean.

**Dean’s Recommendation**
The Dean shall transmit to the Provost in writing his or her recommendations and those of the PAC, together with any dissenting opinions. When recommendations of the Dean and the PAC differ, the Dean must include a statement explaining his or her recommendation.

Positive recommendations by the Dean for faculty in their first and second year of probationary appointments will be forwarded to the Board of Trustees as provided by University regulations.

**Provost’s Review**
The Provost and Dean shall meet to review PTR cases. Cases may receive closer scrutiny where there has been a lack of unanimity or where the Provost’s recommendation may differ from that of the Dean. In these cases, opportunity shall be provided to the Dean to review and supplement the original recommendation.

**Faculty Review Board**
The Provost, after his or her review, shall provide the candidate with an opportunity to appear in person to discuss substantive negative concerns and ask if the candidate wants the case referred to the Faculty Review Board. The Provost shall refer to the Faculty Review Board for its consideration: those cases whose referral was requested by a candidate or the Dean; those cases where, following a discussion, the Provost’s recommendations still differs from that of a Dean; and other cases that the Provost wishes to refer.

The Faculty Review Board shall provide the candidate with an opportunity to discuss the case. The Faculty Review Board shall discuss each case with the Provost.

For each case, the Faculty Review Board shall submit a written recommendation to the Provost and shall inform the candidate in writing of its recommendation, together with reasons for it.
If the Provost makes a negative recommendation, the reasons shall be in writing if the candidate so requests.

**Recommendations to the President and Vote by the Board of Trustees**

The Provost shall make recommendations to the President for the granting of promotion and/or tenure by the Board of Trustees no later than the April meeting of the Board. In the case of reappointment, action will be taken by the President, who will inform the Board of Trustees of his or her decisions (per the Laws and By-Laws of the University of Connecticut, Article II).

Per the Laws and By-Laws of the University of Connecticut, Article XIV, at the end of the sequence of peer reviews (including the Faculty Review Board), a candidate may appeal a negative decision by the Provost to the Committee of Three, comprised of three faculty members elected by the University Senate who hear faculty grievance and dismissal complaints after all other administrative procedures have been exhausted.

Reappointment of a person in a tenure track position after it is clear that the person will not become eligible for permanent tenure cannot be justified on grounds of immediate convenience. It is in the interests of the candidate and of the Law School that the candidate should be released after the customary notice. Regardless of the stated term or other provisions of any appointments, written notice that a probationary appointment is not to be renewed will be given to the faculty member in advance of the expiration of his/her appointment as follows: (1) Not later than March 15 of the first academic year of service, if the appointment expires at the end of that year or if a one-year appointment does not coincide with an academic year, at least three months in advance of its termination; (2) not later than December 15 of the second academic year of service, if the appointment expires at the end of that year or if an initial two-year appointment terminates during an academic year, at least six months in advance of its termination; (3) at least twelve months before the expiration of an appointment after two or more years of service at the institution. The institution will normally notify faculty members of their renewals by March 31.

**Tenure Standards for Tenure-Track Clinical Professors**
Some tenure-track law professors (hereinafter “clinicians”) are hired with the expectation that they will spend some or all of their time working in a clinical program, teaching and supervising students in the representation of clients and in other professional tasks. Clinicians must devote significantly more time to teaching and supervision of students than do non-clinical faculty members. Clinicians and their students assume fiduciary responsibilities to clients and undertake significant commitments to the courts and agencies they serve. The Law School’s varied clinical programs play a vital role in preparing law students for the practice of law, and have long provided important and needed services to the State of Connecticut and its citizens.

The Law School’s tenure standards for tenure-track clinicians are flexible enough to attract and retain excellent candidates, ensure excellent teaching and mentoring of students, provide excellent service to clients, while not diluting the Law School’s overall commitment to excellence in scholarship. The standards are also flexible enough to account for the fact that clinical programs vary in intensity, depending on the structure of the clinic, the number of credit hours students earn, and the nature of the work done in the specific program.

For tenure-track faculty members whose normal professional duties include substantial work in teaching and administering client-based clinical teaching classes and programs, the Law School strongly prefers that scholarly writing alone be sufficient to establish scholarly capacity and commitment. However, scholarly writing, though strongly preferred, is not an absolute necessity. The Law School recognizes other ways to evidence such capacity and commitment, taking into account the nature and intensity of the faculty member’s clinical teaching responsibilities. Scholarly commitment may also be demonstrated by outstanding work in teaching and administering client-based clinical courses and programs, outstanding advocacy work on behalf of clients in courts, agencies or legislative bodies, or demonstrated excellence in working to improve the legal profession, public policy, and/or the administration of justice. Clinical performance for all tenure-track clinicians will be evaluated with the assistance of outside experts.

A tenured clinician hired primarily to do clinical work may request to be relieved of his or her clinical duties and become a non-clinical tenured faculty member. The Dean will not grant such requests unless the Dean believes that the clinician has the scholarly
capacity and commitment expected of all tenured faculty members. In making this decision, the Dean will apply the standards specified in the section above governing tenure standards and will seek the PAC's advice in the manner such advice is normally given in personnel actions other than initial hiring. With respect to clinical candidates for promotion to full professor and tenure, written work of a quality that represents thoughtful reflection on legal subjects—including problems arising from the experience of teaching law students, from exercising lawyering skills, or from other aspects of clinical work—is appropriate evidence of scholarly capacity and commitment even though the work differs from that required from faculty members with non-clinical duties and interests.